

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Honora Tremaine Patterson,

Civ. No. 17-2263 (DSD/BRT)

Plaintiff,

v.

Emmanual Kintu; Nick Dechene; Dan Meyer; Steve McCarty; John Doe; John Doe; and Tim Demolling, each sued in their personal capacities,

**REPORT AND
RECOMMENDATION**

Defendants.

The *pro se* Plaintiff, Honora Tremaine Patterson, has filed a motion for temporary and preliminary injunctive relief. (Doc. No. 92.) Plaintiff asserts that prison officials are tampering with his mail, making it difficult for him to litigate this lawsuit. To solve this problem, Plaintiff requests transfer to a different facility, or in the alternative, for appointment of counsel.

“Ordering a state correctional facility to transfer a prisoner is a remedy that a federal court can exercise only in the rare and extreme cases when the physical safety of the prisoner requires it.” *Pipes v. United States*, No. 1:07-cv-57, 2007 WL 4661674, at *1 (D.N.D. Dec. 11, 2007) (citing *Walker v. Lockhart*, 713 F.2d 1378 (8th Cir. 1983)). Plaintiff does not claim to be in any current physical danger. Therefore, this Court will recommend that Plaintiff’s request for injunctive relief be denied. *See id.* (treating a request for transfer to a halfway house to work on lawsuits as a request for temporary injunctive relief and recommending that the request be denied). If the district court adopts

this Court's recommendation that Plaintiff's request for transfer be denied, this Court recommends that Plaintiff's alternative request for appointment of counsel be denied for the reasons previously stated. (*See* Doc. Nos. 8, 23.)

Based on the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order (Doc. No. 92) be **DENIED**; and
2. Plaintiff's Motion for Appointment of Counsel (Doc. No. 92) be **DENIED**.

Dated: August 2, 2018

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), a party may file and serve specific written objections to this Report within **fourteen days**. A party may respond to those objections within **fourteen days** after service thereof. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).